

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**JOSE RAMIREZ**

Petitioner,

v.

Civil Action  
No. 03-40281-NMG

**STEVEN J. O'BRIEN, SUPERINTENDENT**

Respondent.

ORDER ON APPLICATION TO PROCEED  
WITHOUT PREPAYMENT OF FEES

Having considered the petitioner's Application to Proceed Without Prepayment of Fees and Affidavit under 28 U.S.C. § 1915;

- ☒ In accordance with Fed. R. Civ. P. 5(e), the clerk filed this Section 2254 petition and assigned it Civil Action No. 03-40281-NMG.

It is ORDERED that:

- ☒ The application to proceed without prepayment of fees is DENIED for the following reason:  
Petitioner indicates on his Application to Proceed Without Prepayment of Fees that he has approximately \$75 in his prison canteen account and \$700 in savings. Petitioner's Inmate Account Statement (Docket No. 3) indicates that petitioner has \$123.74 in his institutional personal account and \$814.76 in his institutional savings account.
- ☒ It is FURTHER ORDERED that petitioner must pay the \$5.00 filing fee within 42 days of the date of this Order, or this action will be subject to dismissal for failure to pay the filing fee.
- ☒ It is FURTHER ORDERED that the Clerk enter the habeas petition on the docket with a filing date of December 4, 2003.

12/31/03  
DATE

Nathaniel M. Gorton  
NATHANIEL M. GORTON  
UNITED STATES DISTRICT JUDGE